

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

STATE OF WASHINGTON,

Respondent,

v.

Michael William Richie,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

The Honorable John R. Hickman

BRIEF OF APPELLANT

VALERIE MARUSHIGE
Attorney for Appellant

23619 55th Place South
Kent, Washington 98032
(253) 520-2637

TABLE OF CONTENTS

	Page
A. <u>ASSIGNMENTS OF ERROR</u>	1
B. <u>ISSUES PERTAINING TO ASSIGNMENTS OF ERROR</u>	1
C. <u>STATEMENT OF THE CASE</u>	2
1. Procedure	2
2. Facts	5
D. <u>ARGUMENT</u>	7
1. REVERSAL IS REQUIRED WHERE THE PROSECUTOR COMMITTED REPETITIVE MISCONDUCT BY REPEATEDLY DISPARAGING DEFENSE COUNSEL AND IMPUGNING HIS INTEGRITY DURING CLOSING ARGUMENT THEREBY DENYING RICHIE HIS RIGHT TO A FAIR TRIAL AND EFFECTIVE ASSISTANCE OF COUNSEL.	7
2. IF THE STATE SUBSTANTIALLY PREVAILS ON APPEAL, THIS COURT SHOULD EXERCISE ITS DISCRETION AND NOT AWARD COSTS BECAUSE RICHIE REMAINS INDIGENT.	13
E. <u>CONCLUSION</u>	16

TABLE OF AUTHORITIES

	Page
<u>WASHINGTON CASES</u>	
<i>In re Personal Restraint of Glasman</i> , 175 Wn.2d 696, 286 P.3d 673 (2012)	7, 12
<i>State v. Allen</i> , 182 Wn.2d 364, 341 P.3d 268 (2015)	10, 12
<i>State v. Anderson</i> , 153 Wn. App. 417, 220 P.3d 1273 (2009), <i>review denied</i> , 170 Wn.2d 1002, 245 P.3d 226 (2010)	8
<i>State v. Blazina</i> , 182 Wn.2d 827, 344 P.3d 680 (2015)	13, 14
<i>State v. Charlton</i> , 90 Wn.2d 657, 585 P.2d 142 (1978)	7
<i>State v. Davenport</i> , 100 Wn.2d 757, 675 P.2d 1213 (1984)	7, 12, 16
<i>State v. Latham</i> , 35 Wn. App. 86, 670 P.2d 689 (1983)	5
<i>State v. Lindsay</i> , 180 Wn.2d 423, 326 P.3d 125 (2014)	10
<i>State v. McCreven</i> , 170 Wn. App. 444, 284 P.3d 793 (2012)	11
<i>State v. Moen</i> , 129 Wn.2d 535, 919 P.2d 69 (1996)	11
<i>State v. Monday</i> , 171 Wn.2d 667, 257 P.3d 551 (2011)	7
<i>State v. Negrete</i> , 72 Wn. App. 62, 863 P.2d 137 (1993)	10

TABLE OF AUTHORITIES

	Page
<i>State v. Neslund</i> , 50 Wn. Ap. 531, 749 P.2d 725 (1988)	12
<i>State v. Nolan</i> , 141 Wn.2d 620, 8 P.3d 300 (2000)	14
<i>State v. Richie</i> , 191 Wn. App. 916, 365 P.3d 770 (2015)	2, 3, 4
<i>State v. Sinclair</i> , 192 Wn. App. 380, 367 P.3d 612 (2016)	15
<i>State v. Thorgerson</i> , 172 Wn.2d 438, 258 P.3d 43 (2011)	10
<i>State v. Walker</i> , 182 Wn.2d 463, 341 P.3d 976 (2015)	7
<i>State v. Warren</i> , 165 Wn.2d 17, 195 P.3d 940 (2008)	10
<i>State v. Webber</i> , 99 Wn.2d 158, 659 P.2d 1102 (1983)	12

TABLE OF AUTHORITIES

	Page
<u>FEDERAL CASES</u>	
<i>Smith v. Phillips</i> , 455 U.S 209, 102 S. Ct. 940, 71 L. Ed. 2d 78 (1982)	12
<i>Bruno v. Rushen</i> , 721 F.2d 1193 (9 th Cir. 1963)(per curiam)	10
<u>RULES, STATUTES, OTHER</u>	
RAP 14.2	13
RPC 3.8, Comment [1]	7
RPC 8.4(d)	11
RCW 10.73.160(1)	14
U.S. Const. Amend. VI	7
U.S. Const. Amend XIV	7
Wash. Const., art. I, section 22	7
AM. CIVIL LIBERTIES UNION, IN FOR A PENNY: THE RISE OF AMERICA’S NEW DEBTOR’S PRISON (2010)	13
Creed of Professionalism	11

A. ASSIGNMENTS OF ERROR

1. The prosecutor committed repetitive misconduct during closing argument.

2. The prosecutor's repetitive misconduct prejudiced appellant.

3. The prosecutor's repetitive misconduct denied appellant his constitutional right to a fair trial.

4. The prosecutor's repetitive misconduct denied appellant his constitutional right to effective assistance of counsel.

5. In the event the State substantially prevails on appeal, this Court should deny any requests for costs.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Must appellant's conviction of second degree assault be reversed where the prosecutor committed repetitive misconduct during closing argument by repeatedly disparaging defense counsel and impugning his integrity thereby denying appellant his constitutional right to a fair trial and effective assistance of counsel?

2. If the State substantially prevails on appeal, should this Court exercise its discretion and deny costs where Richie is presumably still indigent because there has been no evidence provided to this Court that Richie's financial condition has improved or is likely to improve?

C. STATEMENT OF THE CASE¹

1. Procedure

On October 10, 2013, the State charged appellant, Michael William Richie, with robbery in the first degree and assault in the second degree. CP 1-2. On March 28, 2014, a jury found Richie guilty as charged. CP 3-4. On April 22, 2014, the trial court imposed sentence on the robbery conviction and dismissed the assault conviction on double jeopardy grounds. The court sentenced Richie as a persistent offender to life in prison without the possibility of parole. CP 5-17.

Richie appealed, arguing that an implied element of robbery based on taking property in the presence of a person is that the person have an ownership interest in, a representative interest in, or have possession of the stolen property. He argued that there was insufficient evidence to support a first degree robbery conviction because the State failed to prove this element and the erroneous to-convict instruction relieved the State of its burden of proving this element. *State v. Richie*, 191 Wn. App. 916, 919, 365 P.3d 770 (2015).² This Court reversed, holding that the to-convict instruction was erroneous because it omitted an essential element of robbery

¹ The verbatim report of proceedings of the trial were transferred from Case No. 46223-1-II to this case.

² A jury convicted Richie of first degree robbery and second degree assault for allegedly taking two bottles of brandy from Walgreens and hitting an off-duty employee in the head with one of the bottles. *Richie*, 191 Wn. App. at 920-21.

in the first degree. This Court held that *State v. Hall*, *State v. Latham*, and *State v. Tvedt*, “all make it clear that a defendant cannot be convicted of robbery unless the victim has an ownership, representative, or possessory interest in the property taken.”³ *Id.* at 924.

Richie also argued that the trial court erred by denying Richie’s proposed instruction and granting the State’s misleading instruction; the to-convict instruction erroneously failed to require that the jury find that the robbery victim was the person named as the victim in the information; and the prosecutor committed misconduct during closing argument. This Court did not address these arguments because it reversed on other grounds. *Id.*

³ The trial court gave the following to-convict jury instruction in relevant part:

To convict the defendant of the crime of Robbery in the First Degree, each of the following six elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about the 22nd day of September, 2013, the defendant unlawfully took personal property from the person or in the presence of another;
- (2) That the defendant intended to commit theft of the property;
- (3) That the taking was against the person’s will by the defendant’s use or threatened use of immediate force, violence or fear of injury to that person, or to the person or property of another;
- (4) That the force or fear was used by the defendant to obtain or retain possession of the property or to prevent or overcome resistance to the taking;
- (5) That in the commission of these acts or in the immediate flight therefrom the defendant inflicted bodily injury;
- (6) That any of these acts occurred in the State of Washington.

Supp. CP ____ (03/28/14, Court’s Instructions, No. 6).

at 920 fn. 1. Richie filed a motion for reconsideration requesting that this Court address the issue of prosecutorial misconduct, which this Court denied. Case No. 46223-1-II.

In remanding the case to the trial court, this Court noted that the jury also convicted Richie of second degree assault, but the trial court dismissed that conviction on double jeopardy grounds. This Court directed the trial court to address the status of the assault conviction in light of the reversal of the first degree robbery conviction. *Richie*, 191 Wn. App. at 930 fn.7.

At resentencing on April 22, 2016, the trial court dismissed without prejudice the robbery conviction, reinstated the second degree assault conviction, and sentenced Richie as a persistent offender to life in prison without the possibility of parole.⁴ CP 51-63; 4/22/16 RP 3-7.

Richie filed a timely notice of appeal. CP 64.

⁴ Upon sentencing Richie to life in prison without the possibility of parole, the trial court stated that “[t]here’s been no change in circumstances, even with the appeal and the first degree robbery being dismissed, that would allow me under our current statute to not find him a persistent offender. And so I’m bound by the statute, and I will follow the law.” 4/22/16 RP 6-7. The court told Richie “there may be other avenues of appeal that [defense counsel] can file for you.” 4/22/16 RP 9-10. Defense counsel informed the court that, “Mr. Richie will be appealing. There were other grounds that the Court of Appeals did not take up because they overturned the case for an error in the law.” 4/22/16 RP 7.

2. Facts

a. Jury Instructions

While discussing jury instructions, defense counsel proposed the following instruction, citing *State v. Latham*, 35 Wn. App. 86, 670 P.2d 689 (1983):

A person must have an ownership interest in the property taken, or some representative capacity with respect to the owner of the property taken, or actual possession of the property taken, for the taking of the property to constitute a robbery.

Supp. CP ____ (03/27/14, Defendant's Supplemental Jury Instruction).

The prosecutor argued that the defense proposed instruction was not an accurate statement of the law and proposed an instruction for theft, contending that it is accurate, complete, and in keeping with the rest of the jury instructions. RP 517-20. Defense counsel argued that the instruction he proposed was accurate based on *Latham* which requires a proprietary or superior claim to the property. RP 520-23. The trial court took a recess to read *Latham* and then declined to give the instruction. The court ruled that it was "going to go with the State's definition of theft because I believe it allows -- I think it's a more neutral statement as to ownership, and I still believe it allows the defense to argue its theory of the case without penalty." RP 523-24.

The court gave the following jury instruction:

Theft means to wrongfully obtain or exert unauthorized control over the property or services of another, or the value thereof, with intent to deprive that person of such property or services. Ownership of the property taken must be in some person other than the person or persons who commit the theft.

Supp. CP ____ (03/28/14, Court's Instructions, No. 8).

b. Closing Argument

During closing argument, defense counsel argued that to prove robbery beyond a reasonable doubt, the State had to show that the victim of the robbery had a proprietary or superior interest in the property that was taken. RP 557-59, 560-64. He argued that the State failed to prove that the victim had a proprietary or superior interest because she was not on duty at the time, "we didn't hear any testimony about their duties with regard to the store when they're not on the clock." RP 558-59.

On rebuttal, the prosecutor told the jurors that the words "proprietary" and "superior" are not in the jury instructions and that defense counsel was telling them to ignore the law. RP 568. Over defense counsel's objections, the trial court allowed the prosecutor to proceed. RP 568-69. The prosecutor repeatedly argued that the law does not require a proprietary or superior interest and that defense counsel was compelling the jury to write the words "proprietary" and "superior interest" into the jury instructions. RP 569-74.

D. ARGUMENT

1. REVERSAL IS REQUIRED WHERE THE PROSECUTOR COMMITTED REPETITIVE MISCONDUCT BY REPEATEDLY DISPARAGING DEFENSE COUNSEL AND IMPUGNING HIS INTEGRITY DURING CLOSING ARGUMENT THEREBY DENYING RICHIE HIS RIGHT TO A FAIR TRIAL AND EFFECTIVE ASSISTANCE OF COUNSEL.

A prosecutor “functions as the representative of the people in a quasijudicial capacity in a search for justice.” *State v. Monday*, 171 Wn.2d 667, 676, 257 P.3d 551 (2011).⁵ A prosecutor does not fulfill this role “by securing a conviction based on proceedings that violate a defendant’s right to a fair trial—such convictions in fact undermine the integrity of our entire criminal justice system.” *State v. Walker*, 182 Wn.2d 463, 476, 341 P.3d 976 (2015). The right to a fair trial is a fundamental liberty secured by the Sixth and Fourteenth Amendment and article I, section 22 of the Washington Constitution. *In re Personal Restraint of Glasman*, 175 Wn.2d 696, 703, 286 P.3d 673 (2012). “Prosecutorial misconduct may deprive the defendant of a fair trial and only a fair trial is a constitutional trial.” *State v. Davenport*, 100 Wn.2d 757, 762, 675 P.2d 1213 (1984)(citing *State v. Charlton*, 90 Wn.2d 657, 665, 585 P.2d 142 (1978)).

⁵ “A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence.” RPC 3.8, Comment [1].

Where the defense claims prosecutorial misconduct, it bears the burden of establishing the impropriety of the prosecutor's statements as well as their prejudicial effect. *State v. Anderson*, 153 Wn. App. 417, 427, 220 P.3d 1273 (2009), *review denied*, 170 Wn.2d 1002, 245 P.3d 226 (2010). If the statements were improper, and an objection was lodged, the defense must show that there was a substantial likelihood that the statements affected the jury. *Id.* Absent an objection and request for a curative instruction, the defense waives the issue of misconduct unless the statement was so flagrant and ill intentioned that an instruction could not have cured the prejudice. *Id.*

The prosecutor here committed misconduct by repeatedly disparaging defense counsel and impugning his integrity during closing argument. The prosecutor focused the jury's attention on the instructions pertaining to robbery in the first degree:

The jury instructions that you have are not on a computer, so you can't do a word search to look for the word "proprietary" or the word "superior" but no matter how many times you look through them, you won't find them in the jury instructions."

RP 568.

Defense counsel objected and the trial court responded, "Your objection's noted for the record." RP 568. While arguing that the law does

not require a proprietary or superior interest, the prosecutor accused defense counsel of compelling the jury to not follow the law:

[PROSECUTOR]: When the defense attorney writes up here “proprietary” and “superior interest,” what he’s telling you is what you should do in order to give the defendant a fair trial is ignore the law. And go to that --

[DEFENSE COUNSEL]: Your Honor --

[PROSECUTOR]: -- to-convict instruction.

[DEFENSE COUNSEL]: I’m going to object. That’s a mischaracterization of the law.

THE COURT: Counsel, you’ve registered your objection. This is closing argument. It’s not evidence, and the jury has the instructions in front of them. Please proceed.

RP 569.

The prosecutor continued to disparage defense counsel by accusing him of misleading the jury:

What the defense attorney is arguing to you is, please go to that robbery instruction -- and, actually, both robbery instructions -- and at the end of those clauses, please write in for yourselves the word “proprietary” or the word “superior interest.” Add that in to the instructions and then deliberate. That’s what the defense attorney was arguing to you.

RP 569.

Relentlessly, the prosecutor accused defense counsel of disregarding the law:

So the last thing I’ll say to you is, don’t do what the defense attorney is inviting you to do, which is write words in to the instructions. Use the instructions that the Court has given to you. Use the evidence that has been presented to you. Decide this case on what the law is, not on what you wish it were, not on what the defense attorney wishes it was. Decide it on what it is. And the proper verdict in this

case is guilty of robbery first degree and guilty of assault in the second degree.

RP 573-74.

It is improper for the prosecutor to disparagingly comment on defense counsel's role or impugn defense counsel's integrity. *State v. Thorgerson*, 172 Wn.2d 438, 451, 258 P.3d 43 (2011)(citing *Warren*, 165 Wn.2d at 17, 29-30, 195 P.3d 940 (2008)); *State v. Negrete*, 72 Wn. App. 62, 67, 863 P.2d 137 (1993). Prosecutorial statements that malign defense counsel can severely damage an accused's opportunity to present his case and are therefore impermissible. *State v. Lindsay*, 180 Wn.2d 423, 432, 326 P.3d 125 (2014)(citing *Bruno v. Rushen*, 721 F.2d 1193, 1195 (9th Cir. 1963)(per curiam)).

By repeatedly maligning defense counsel and impugning his integrity, the prosecutor deprived Richie of his right to effective assistance of counsel. The misconduct was all the more egregious because the trial court ruled that defense counsel could argue his theory of the case without penalty. RP 523-24. The prosecutor therefore knew that defense counsel was making a proper argument allowed by the court. It is evident that the prosecutor did not object during defense counsel's closing argument because he was aware of the court's ruling. Instead, the prosecutor deliberately and unnecessarily attempted to subvert the defense on rebuttal.

The prosecutor absolutely could have rebutted the argument without denigrating defense counsel and casting him in a bad light before the jury.⁶ “Repetitive misconduct can have a cumulative effect.” *State v. Allen*, 182 Wn.2d 364, 376, 341 P.3d 268 (2015). The repetitiveness of the prosecutor’s argument which slighted the court’s ruling constitutes flagrant and ill and intentioned misconduct.⁷ However, because the court told defense counsel that he has “registered” his objection, he did not continue to object. Defense counsel essentially had a standing objection and therefore a showing of flagrant and ill-intentioned misconduct is not required on review. In any event, given the court’s overruling of defense counsel’s objections, further objections were unlikely to succeed. Therefore, the lack of objection does not preclude review. *State v. McCreven*, 170 Wn. App. 444, 473, 284 P.3d 793 (2012)(citing *State v. Moen*, 129 Wn.2d 535, 547, 919 P.2d 69 (1996)).

Significantly, the prosecutor’s improper, accusatory argument to discredit defense counsel was detrimental to Richie’s entire defense. The jury’s view of defense counsel was critical where he argued that Richie was

⁶ “In my dealings with lawyers, parties, witnesses, members of the bench, and court staff, I will be civil and courteous and guided by fundamental tenets of integrity and fairness.” *Creed of Professionalism* (a statement of professional aspiration adopted by the Washington State Bar Association Board of Governors).

⁷ “It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.” RPC 8.4(d).

criminally negligent, which constitutes third degree assault, not second degree assault.⁸ RP 559-61. Statements that permit the jury “to nurture suspicions about defense counsel’s integrity” may deny a defendant’s constitutional right to effective representation. *State v. Neslund*, 50 Wn. Ap. 531, 562, 749 P.2d 725 (1988). Furthermore, the trial court incorrectly overruled defense objections which validated the misconduct. *Davenport* 100 Wn.2d at 764 (overruling a timely and specific objection lends “an aura of legitimacy to what was otherwise improper argument).

In cases of prosecutorial misconduct, the touchstone is whether the misconduct denied the defendant his due process right to a fair trial. *Davenport*, 100 Wn.2d at 762 (citing *Smith v. Phillips*, 455 U.S 209, 102 S. Ct. 940, 71 L. Ed. 2d 78 (1982), *State v. Webber*, 99 Wn.2d 158, 659 P.2d 1102 (1983)). Importantly, deciding whether reversal is required is not a matter of whether there is sufficient evidence to justify upholding the

⁸ The jury was instructed that:

The defendant is charged with assault in the second degree. If, after full and careful deliberation on this charge, you are not satisfied beyond a reasonable doubt that the defendant is guilty, then you will consider whether the defendant is guilty of the lesser crime of assault in the third degree.

When a crime has been proved against a person, and there exists a reasonable doubt as to which of the two or more degrees that person is guilty, he or she shall be convicted only of the lowest degree.

Supp. CP ____ (03/28/14, Court’s Instructions, No. 19).

verdict. *In re Glasmann*, 175 Wn.2d at 696. The record substantiates that, cumulatively, Richie was prejudiced by the prosecutor's repetitive misconduct where there was a substantial likelihood that the improper statements disparaging defense counsel affected the jury.

Richie's second degree assault conviction must be reversed because he was denied his constitutional right to a fair trial and effective assistance of counsel.

2. IF THE STATE SUBSTANTIALLY PREVAILS ON APPEAL, THIS COURT SHOULD EXERCISE ITS DISCRETION AND NOT AWARD COSTS BECAUSE RICHIE REMAINS INDIGENT.

Under RCW 10.73.160 and RAP Title 14, this Court may award costs to a substantially prevailing party on appeal. RAP 14.2 provides in relevant part:

A commissioner or clerk of the appellate court will award costs to the party that substantially prevails on review, unless the appellate court directs otherwise in its decision terminating review.

National organizations have chronicled problems associated with legal financial obligations (LFOs) imposed against indigent defendants. These problems include increased difficulty in reentering into society, the doubtful recoupment of money by the government, and inequity in administration. *State v. Blazina*, 182 Wn.2d 827, 835, 344 P.3d 680 (2015)(citing, et al., AM. CIVIL LIBERTIES UNION, IN FOR A PENNY:

THE RISE OF AMERICA’S NEW DEBTOR’S PRISONS (2010)). In 2008, The Washington State Minority and Justice Commission issued a report that assessed the problems with the LFO system in Washington. The report points out that many indigent defendants cannot afford to pay their LFOs and therefore the courts retain jurisdiction over impoverished offenders long after they are released. Legal or background checks show an active court record for those who have not paid their LFOs, which can have negative consequences on employment, on housing, and on finances. *Blazina*, 182 Wn.2d at 836-37.

In *State v. Nolan*, 141 Wn.2d 620, 8 P.3d 300 (2000), the Washington Supreme Court concluded that an award of costs “is a matter of discretion for the appellate court, consistent with the appellate court’s authority under RAP 14.2 to decline to award costs at all.” The Court emphasized that the authority “is permissive” as RCW 10.73.160 specifically indicates. *Nolan*, 141 Wn.2d at 628. The statute states that the “court of appeals, supreme court, and superior courts *may* require an adult offender convicted of an offense to pay appellate costs.” RCW 10.73.160(1)(emphasis added).

In the event the State substantially prevails on appeal, this Court should exercise its discretion and not award costs where the trial court determined that he is indigent. The trial court found that Richie is entitled

to appellate review at public expense due to his indigency and entered an Order of Indigency. Supp. CP ____ (04/22/16, Order of Indigency). This Court should therefore presume that Richie remains indigent because the Rules of Appellate Procedure establish a presumption of continued indigency throughout review:

A party and counsel for the party who has been granted an order of indigency must bring to the attention of the trial court any significant improvement during review in the financial condition of the party. The appellate court will give a party the benefit of an order of indigency throughout the review unless the trial court finds the party's financial condition has improved to the extent that the party is no longer indigent.

RAP 15.2(f).

In *State v. Sinclair*, 192 Wn. App. 380, 367 P.3d 612 (2016), the Court exercised its discretion and ruled that an award of appellate costs was not appropriate, noting that the procedure for obtaining an order of indigency is set forth in RAP Title 15 and the trial court is entrusted to determine indigency. “Here, the trial court made findings that support the order of indigency. . . . We have before us no trial court order finding that Sinclair’s financial condition has improved or is likely to improve. . . . We therefore presume Sinclair remains indigent.” *Sinclair*, 192 Wn. App. at 393.

As in *Sinclair*, there has been no evidence provided to this Court, and no findings by the trial court, that Richie’s financial condition has

improved or is likely to improve. Richie is presumably still indigent and this Court should exercise its discretion to not award costs.

E. CONCLUSION

For the reasons stated, this Court should reverse Mr. Richie's conviction for assault in the second degree because prosecutorial misconduct fundamentally undermined the fairness of the trial. *Davenport*, 100 Wn.2d at 761-63.

In the event the State substantially prevails on review, this Court should exercise its discretion and deny any requests for costs.

DATED this 6th day of September, 2016.

Respectfully submitted,

/s/ Valerie Marushige
VALERIE MARUSHIGE
WSBA No. 25851
Attorney for Appellant, Michael William Richie

DECLARATION OF SERVICE

On this day, the undersigned sent by email, a copy of the document to which this declaration is attached to the Pierce County Prosecutor's Office and by U.S. Mail to Michael William Richie, DOC # 708322, Washington State Penitentiary, 1313 North 13th Avenue, Walla Walla, Washington 99362.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 6th day of September, 2016.

/s/ Valerie Marushige
VALERIE MARUSHIGE
Attorney at Law
WSBA No. 25851

MARUSHIGE LAW OFFICE

September 06, 2016 - 10:59 AM

Transmittal Letter

Document Uploaded: 5-488698-Appellant's Brief.pdf

Case Name: State v. Richie

Court of Appeals Case Number: 48869-8

Is this a Personal Restraint Petition? Yes ☐ No ☒

The document being Filed is:

Designation of Clerk's Papers

Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

☒ Brief: Appellant's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Valerie B Marushige - Email: ddvburns@aol.com

A copy of this document has been emailed to the following addresses:

pcpatcecf@co.pierce.wa.us